



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jörg WÖRNER

Appl. No. 09/916,231

Confirmation No. 6862

Filed: July 27, 2001

Art Unit: 2878

Examiner: Patrick J. Lee

Atty. Docket No. 31833-173684

For: OPTOELECTRIC APPARATUS

Customer No.



26694

PATENT TRADEMARK OFFICE

Supplemental Information Disclosure Statement

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a Supplemental Information Disclosure Statement of an Information Disclosure Statement that was submitted on October 2, 2002 prior to the issuance of a first Office Action on the merits of the above-identified application. In paragraph 2 of the first Office Action on the merits, the Examiner indicates that the Information Disclosure Statement filed on October 2, 2002, fails to comply with the provisions of 37 CFR §§1.97, 1.98 and M.P.E.P. §609 because an English language version of the search report is not provided. Submitted herewith is an English translation of the pertinent parts of the European Search Report that accompanied the October 2, 2002 Information Disclosure Statement.

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MAY - 2 2003  
TC 2800 MAIL ROOM

Inventor: Jörg WÖRNER  
Serial No.: 09/916,231

It is respectfully submitted that 37 CFR §§ 1.97-1.98 do not require an English-language version of the search report:

A copy of the translation if a written English-language translation of a non-English-language document or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in §1.56 (c). 37 C.F.R. § 1.98 (a)(3)(ii)

At the time of filing the Information Disclosure Statement on October 2, 2002, the law firm of Venable did not have within its possession, or have custody or control of an English-language translation of the European search report. Venable prepared the enclosed English-language translation of the European Search Report in response to the January 30, 2003 Office Action.

Additionally attached is a copy of the 1449 form that accompanied the October 2, 2002 submission for the convenience of the Examiner. The Examiner is requested to consider the cited references and make the same of record by initialling the left-hand side of the 1449 form.

Accordingly, it is respectfully submitted that the references submitted with the Information Disclosure Statement that was filed on October 2, 2002 should have been considered and that the submission of the English-language translation should not be construed as submitting a missing element from the earlier submission. Thus, the references cited in the Information Disclosure Statement were filed on October 2, 2002 and no fee is required. In the event, that the U.S. Patent and Trademark Office believes that the Information Disclosure

Inventor: Jörg WÖRNER  
Serial No.: 09/916,231

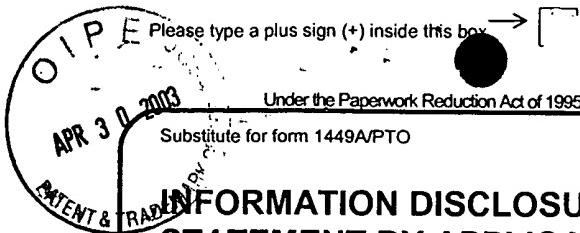
Statement fee of \$180.00 is required, the U.S. Patent and Trademark Office is authorized to charge the necessary fee in connection with this Information Disclosure Statement to Deposit Account No. 22-0261.

Respectfully submitted,

Date: April 30, 2003

  
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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

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<i><b>Complete if Known</b></i>	
Application Number	09/916,231
Filing Date	July 27, 2001
First Named Inventor	Jörg WÖRNER
Group Art Unit	2873
Examiner Name	Unassigned
Attorney Docket Number	31833-173684

Attorney Docket Number 31633-173084

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**VENABLE**  
ATTORNEYS AT LAW